

[illegible]

G.O.Rt.No. 1755

1. G.O. Rt. No.85, MA&UD (L) Department, dated: 22.01.2007.
2. From Sri A. Polaji, Asst. Engineer, Panchayat Raj, on deputation to Bhimdoll project, Representation, Dt: 02.07.2007.
3. G.O. Rt. No.1333, MA&UD (L) Department, dated: 13.11.2007.
4. From Sri K. Shiva Prasad, Additional Director, O/o the C&DMA and E.O. Report in letter Roc.No.1/KSP/RSP/2009, 17.02.2009.
5. Government Memo.No.19674/L1/2004-28, MA&UD (L1) Department, Dt.18.03.2009.
6. From Sri A. Polaji, the then Asst. Engineer, PR, Narsapur Municipality and now Retired, explanation dt: 13.04.2009.
7. Government Memo.No.12578/Vig-II/A2/2010-2, PR & RD (Vig.II) Department, Dt.23.11.2010.
8. From Sri A. Polaji, the then A.E. (Retd.) Reprn., dt.17.01.2011.
9. Government Letter No.12578/Vig.II/A2/2010-3, PR &RD (VIG.II) Dept, Dt: 11.02.2011.
10. From the Secretary, APPSC, Letter No.321/RT-1/3/2011, dt.30.03.2011.
11. U.O.Note No.12578/Vig-II/A2/2010-4, PR & RD (Vig.II) Department, Dt.28.04.2011.
12. From the Asst. Registrar Andhra Pradesh Administrative Tribunal, Hyderabad, order copy in O.A.No.6164/2011.
13. Government Letter No.12578/Vig.II/A2/2010-6, PR &RD (VIG.II) Dept, dt: 29.08.2011.
14. From the Secretary, APPSC, Letter No.321/RT-1/3/2011, dt.17.09.2011.

&lt;&lt;&gt;&gt;

In the reference 1<sup>st</sup> cited disciplinary action has been initiated under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, against Sri A. Polaji, Assistant Engineer, Narsapur Municipality and now Retired, by framing article of charges on the allegation of irregularities said to have been committed in execution of Pushkaram works and general works in Narsapur Municipality, while he was working as Assistant Engineer, Panchayat Raj, Narsapur Municipality. Sri A. Polaji, Assistant Engineer, Narsapur Municipality and now Retired has submitted his Written Statement of Defense vide reference 2<sup>nd</sup> read above.

2. In the reference 3<sup>rd</sup> read above, Government have appointed, Sri K .Shiva Prasad, Additional Director, O/o the C&DMA as Enquiry Officer to conduct enquiry (P.T.O)

into the charges framed against the Accused Officer and others under Rule 20 (2) of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991. In the reference 4<sup>th</sup> cited, the Enquiry Officer has submitted his report to Govt.

3. In the reference 5<sup>th</sup> read above, while furnishing a copy of Enquiry Report, Sri A. Polaji, the then Assistant Engineer, Panchayat Raj, Narsapur Municipality and now retired has been directed to submit his explanation on the findings of the Enquiry Officer's Report. In response to this, Sri A. Polaji, the then Assistant Engineer, Panchayat Raj, Narsapur Municipality and now retired has submitted his explanation vide reference 6<sup>th</sup> cited.

4. Government after careful examination, have provisionally decided to impose the penalty of 5% cut in pension permanently, on Sri A. Polaji, the then Assistant Engineer, Panchayat Raj, Narsapur Municipality and now retired under Rule 9 of A.P. Revised Pension Rules, 1980.

5. In the reference 7<sup>th</sup> read above, a show cause notice was issued to Sri A. Polaji, the then Assistant Engineer, Panchayat Raj, Narsapur Municipality and now retired to make a representation if any within 15 days under Rule 9 of Andhra Pradesh Revised Pension Rules, 1981 on the punishment proposed to be imposed on him. The charged Officer has submitted his representation to the Show Cause Notice, in the reference 8<sup>th</sup> cited. After examination, Government have decided to confirm the provisional decision taken at Para 4 above.

6. In the reference 9<sup>th</sup> read above, the Andhra Pradesh Public Service Commission has been addressed for the concurrence on the provisional decision taken by the Government to impose 5% cut in pension permanently, against Sri A. Polaji, the then Assistant Engineer, Panchayat Raj, Narsapur Municipality and now retired.

7. In the reference 10<sup>th</sup> read above, the Secretary, Andhra Pradesh Public Service Commission, Hyderabad has informed that, on verification of records it has been observed that a common enquiry was conducted against 12 officials including Sri. A. Polaji, Assistant Engineer (Retired), whose case alone was referred to the commission for concurrence without furnishing the information regarding the action taken/ proposed against the other 11 officials and requested furnish the above to the further process the case.

8. In the reference 12<sup>th</sup> read above, the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad in its orders dt.21.07.2011 in O.A. No. 6164/2011 filed by Sri A. Polaji, has disposed of with a direction to the Respondent to consider the explanation submitted by the Applicant and pass appropriate orders in accordance with the rules.

9. In the reference 13<sup>th</sup> read above, the Andhra Pradesh Public Service Commission has been informed action taken report against 11 officials belongs to the Municipal Administration & Urban Development Department and Roads & Buildings Department and requested for concurrence on the provisional decision to Government to impose the punishment of 5% cut in pension permanently on Sri A. Polaji, Assistant Engineer, Panchayat Raj (Retd.) under Rule 9 of AP Revised Pension Rules, 1980.

::3::

10. In the reference 14<sup>th</sup> read above, the Secretary, Andhra Pradesh Public Service Commission in letter dt.17.09.2011 has informed that, after examination of the disciplinary case the Commission opined that the punishment proposed against Sri A. Polaji, Assistant Engineer (Retd.) is found to be on higher side when compared with that of the other charged officers, who are also involved in this case. Without disputing the discretionary powers of the competent authority to impose punishment on delinquents, Commission expressed its strong view that it is violation of Article 14 of Indian Constitution if there is discrimination in imposing the punishments among the Charged Officers in the same disciplinary case. Commission further advised the Government to reconsider this aspect before taking final action to impose the punishment on the Charged Officer in question.

11. Government after careful examination of the matter, have decided to impose the punishment of 2.5% cut in pension permanently against Sri A. Polaji, Assistant Engineer (Retired), Narsapur Municipality and accordingly hereby imposed the punishment of 2.5% cut in pension permanently against Sri A. Polaji, Assistant Engineer (Retd.), Narsapur Municipality.

12. The Engineer-in-Chief, Panchayat Raj, Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. RAJIV SHARMA  
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To  
The individual,  
through the Engineer-in-Chief, Panchayat Raj, Hyderabad.  
The Engineer-in-Chief, Panchayat Raj, Hyderabad  
The Accountant General, Andhra Pradesh, Hyderabad.  
The Director, Treasury and Accounts, Andhra Pradesh, Hyderabad.  
SF / SC.

//FORWARDED BY ORDER//

SECTION OFFICER